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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,590	02/04/2005	Toshihisa Kato	033294-047	5806

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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3661

NOTIFICATION DATE	DELIVERY MODE
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04/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,590	<b>Applicant(s)</b> KATO ET AL.	
	<b>Examiner</b> GERTRUDE ARTHUR JEANGLAUD	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7, 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim element "[ vehicle-body speed obtaining means for obtaining ]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

Claim element "[ steering-member operating amount obtaining means for obtaining ]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

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Claim element "[actual lateral acceleration related quantity obtaining means for obtaining ]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

Claim element "[target lateral acceleration related quantity calculating means for calculating]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

Claim element "[road-surface friction coefficient obtaining means for obtaining...]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

Claim element "[target lateral acceleration related quantity limiting means for setting...]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material,

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or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function].

Claim element of "[braking force control means for controlling]" is a means (or step) plus function limitation that invokes 35 U.S.C.112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. [ it is unclear whether the recited structures in the claim are sufficient for performing the claimed function]

Claims 4-5, 7, 9-14 are also rejected for incorporating/including the deficiencies of their base claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERTRUDE ARTHUR JEANGLAUD whose telephone number is (571)272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gertrude Arthur-Jeanglaude/  
Primary Examiner, Art Unit 3661